

**In the Matter of the Petition for)
Termination of Probation of:)**

Case No. 26-2009-200466

OA# No. 2010050605

Respondent

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

IT IS SO ORDERED September 27, 2010.

By:

Shelton Duruisseau, Ph.D., Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Termination of Probation of:

MERVIN PETER KRILL, M.D.,

Physician's and Surgeon's Certificate
No. A 31299

Respondent.

Case No. 26-2009-200466

OAH No. 2010050605

PROPOSED DECISION

Mary-Margaret Anderson, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter on July 27, 2010, in Oakland, California.

Edward A. Hinshaw, Attorney at Law, represented Respondent Mervin Peter Krill, M.D., who was present.

Susan K. Meadows, Deputy Attorney General, represented the Office of the Attorney General, Department of Justice.

The record closed July 27, 2010.

FACTUAL FINDINGS

1. On July 6, 1977, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 31299 to Mervin Peter Krill, M.D. (Respondent). It is currently renewed until March 21, 2011.
2. On September 6, 2005, the Board revoked the certificate, stayed the revocation, and placed it on probation for five years pursuant to terms and conditions. The disciplinary action was based upon the stipulated settlement of an accusation that alleged incompetence or negligence and physical impairment.
3. On August 23, 2006, Respondent signed his first petition for penalty relief. At that time he had served less than two years of the five-year probation term, but had

completed many of the conditions, including a PACE course and payment of costs; however, he had not satisfied the practice requirement. Respondent requested relief from that condition as he had not been able to find even a volunteer job practicing medicine. In addition, he requested that his psychology studies be deemed to satisfy the educational requirements of the probation. Respondent was then enrolled full-time in a doctoral program at Stanford University in Clinical Psychology.

4. On July 5, 2007, the Board denied in part and granted in part Respondent's petition. He was permitted to attend any Category 1 courses related to subjects other than surgery and neurosurgery, but was still required to satisfy the condition that he practice medicine.

5. On approximately June 15, 2009, Respondent filed with the Board a second petition for penalty relief. Because Respondent initially did not practice medicine after the probation term began, the probationary period was tolled for almost two years. The current estimated termination date is May 22, 2012. Respondent's petition requests that probation be terminated approximately 21 months early.

6. Respondent is now in compliance with the requirement that he practice medicine. In May 2007 his application to volunteer with City Team Ministries was accepted and he has worked in its clinic approximately two Saturday afternoons each month. City Team is a religious organization that provides medical services to the homeless and drug addicted in San Francisco's Tenderloin neighborhood. Respondent is part of the medical team that assesses problems and treats minor ones. Patients in need of acute care are referred to San Francisco General Hospital.

7. Respondent is also in full compliance with the remaining terms and conditions of probation, including the educational requirements.

8. In the written narrative statement that accompanies his petition, Respondent's comments include the following:

I have had the opportunity for considerable introspection these past few years. My probationary period has been an emotionally and financially draining experience, however, I sincerely believe that it has made me a more compassionate person and renewed my passion to help people. I will carry the lessons of the things I have learned over the past years into the next phase of my life. I have accepted full responsibility for my failings as a neurosurgeon.

9. During his years as a neurosurgeon, Respondent informally counseled many families, including those with special needs children. This helped lead to his interest in becoming a therapist. Respondent recently moved to Grass Valley. He has arranged to complete the hours necessary to qualify for licensure with the Board of Psychology by

working in a community mental health clinic in Nevada County. Respondent notes that, due to his medical background, he is more aware of medical problems that can contribute to mental health disorders. He is interested in providing therapy to families and troubled adolescents.

10. Respondent credibly asserts that he no longer desires to practice surgery and is not physically able to do so. He receives disability insurance payments for the disability that prevents such practice. In addition, he has no hospital privileges.

11. Respondent submitted two reference letters in support of his petition. Both individuals were interviewed by Board staff, who verified that they had written the letters.

12. Byron K. Lee, M.D., is an Assistant Professor of Medicine at the University of California, San Francisco. He is also the medical director of the City Team Medical Clinic. In a letter dated May 27, 2009, Dr. Lee wrote that Respondent has worked with that clinic for more than two years. Respondent was open with Dr. Lee about his probationary status and gave him a copy of the Accusation and Decision. Dr. Lee wrote that Respondent has "proven himself to be an extremely capable physician. He has always delivered consistently excellent care. Furthermore, he has demonstrated great compassion for our indigent population." Finally, Dr. Lee recommends that Respondent's probation be terminated.

13. Anthony Park, M.D., Ph.D., is a family physician with Kaiser Permanente in Walnut Creek. He also volunteers with City Team Ministries and has worked with Respondent for over two years. In a letter dated May 29, 2009, Dr. Lee wrote "[Respondent] always goes above and beyond what is expected [of] him. His abilities and medical judgment have been more than good, I have worked with him together enough times to judge this."

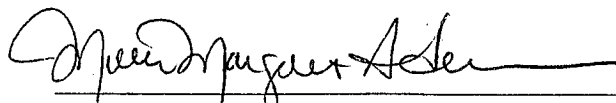
LEGAL CONCLUSIONS

Good cause exists for early termination of Respondent's term of probation. All of the probationary terms, save the passage of a full five years, have been satisfied. The basis for the license discipline was Respondent's practice as a neurosurgeon. Respondent is not physically able to practice surgery and will not do so. He has embarked upon a different career in psychology where his medical training and background will be useful and helpful. It would not be against the public interest to permit him to practice medicine on an unrestricted basis at this time.

ORDER

The petition of Respondent Mervin Peter Kril, M.D., for penalty relief is granted.
Probation is terminated and physician and surgeon's certificate No. A 31299 is fully restored.

DATED: August 26, 2010

A handwritten signature in dark ink, appearing to read "Mary-Margaret Anderson", written over a horizontal line.

MARY-MARGARET ANDERSON
Administrative Law Judge